

Serial No. 10/786,262

Office Action Dated: 04/26/06

Response to Office Action Dated: 07/25/06

REMARKS

This Amendment and Response is submitted in reply to the Office Action dated April 26, 2006, in which the Examiner:

rejected claims 1, 3 and 8 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,102,032 to Cottone et al.;

rejected claims 1, 3 and 8 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2004/0008807 to Willis et al.;

rejected claims 1, 3 and 8, as well as dependent claims 4, 5, 9 and 10, under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0180570 to Cercone et al.

Applicants respectfully traverse the rejections below. Claims 2, 6, 7, 11 and 12 were previously withdrawn in response to a Restriction Requirement; claims 1, 3-5 and 8-10 are currently pending. The current amendment amends claims 1, 3 and 8, and adds new claim 13, leaving claims 1, 3-5, 8-10 and 13 pending upon entrance of the current amendment. Claims 1, 3 and 8, directed to various welded portion constitutions, are independent claims.

Claims 1, 3 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Cottone. An anticipation rejection under 35 U.S.C. § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

Applicants' amended claim 1 recites a welded portion constitution. Claims 3 and 8 recite constitutions for butt- and fillet-welded portions, respectively.

Cottone does not show or disclose each and every claim 1, 3 or 8 recitation, at least because Cottone does not show or disclose welded portion constitutions. Instead, Cottone discloses brazed joints. There are appreciable structural differences between brazed and welded joints. For instance, in a brazed joint the base material does not melt, and the joint is formed by metallurgical bonds between a filler and the base materials. In welded joints, the base materials do melt, and the joint is formed when the melted base material and filler solidify to form a weld zone, essentially integrating the workpieces at the weld zone.

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Thus, the brazed joints of Cottone, whatever their arrangement, cannot show or disclose the welded portion constitutions of Applicants' claim 1, 3 and 8. Accordingly, Applicants respectfully submit that the rejection of claims 1, 3 and 8 under 35 U.S.C. § 102(b) as anticipated by Cottone is improper for at least this reason, and should be withdrawn.

Claims 1, 3 and 8 were also rejected under 35 U.S.C. § 102(e) as anticipated by Willis. An anticipation rejection under 35 U.S.C. § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

Applicants' amended claim 1 recites a welded portion constitution comprising, in part, an inclined portion provided on an end portion of at least one of a first member and second member, said inclined portion formed by a bend in said end portion. Applicants' amended claims 3 and 8 are directed to constitutions for butt- and fillet-welded portions, respectively, and each also recites that an inclined (as well as a contact and a stepped) portion is formed by a bend in an end portion of at least one of the weld members.

Willis does not show or disclose each and every claim 1, 3 or 8 recitation. For instance, Willis does not show or disclose that an inclined portion is formed by a bend in an end portion of one of the weld members. In fact, Willis does not show or disclose a bend in an end portion of any of the reactor vessel members being welded.

Thus, even if Willis were to show an inclined portion, Willis would still fail to show or disclose that any such inclined portion is formed by a bend in an end portion of one of the weld members, as recited by Applicants' claims 1, 3 and 8. Accordingly, Applicants respectfully submit that the rejection of claims 1, 3 and 8 under 35 U.S.C. § 102(e) as anticipated by Willis is improper for at least this reason, and should be withdrawn.

Claims 1, 3 and 8 were further rejected under 35 U.S.C. § 102(e) as anticipated by Cercone. An anticipation rejection under 35 U.S.C. § 102 is improper unless a single prior art reference shows or discloses each and every claim recitation.

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Applicants' amended claim 1 recites a welded portion constitution comprising, in part, an inclined portion provided on an end portion of at least one of a first member and second member, said inclined portion formed by a bend in said end portion. Applicants' amended claims 3 and 8 are directed to constitutions for butt- and fillet-welded portions, respectively, and each also recites that an inclined (as well as a contact and a stepped) portion is formed by a bend in an end portion of at least one of the weld members.

Cercone does not show or disclose each and every claim 1, 3 or 8 recitation. For instance, Cercone does not show or disclose that an inclined portion is formed by a bend in an end portion of one of the weld members. Instead, Cercone discloses the use of polymer composite repair materials to repair weld defects on tubular structures. None of the defective welds Cercone shows being repaired using polymer composite materials has a bend formed in the end portion of one of the weld members.

Thus, even if Cercone were to show an inclined portion, Cercone would still fail to show or disclose that any such inclined portion is formed by a bend in an end portion of one of the weld members, as recited by Applicants' claims 1, 3 and 8. Accordingly, Applicants respectfully submit that the rejection of claims 1, 3 and 8 under 35 U.S.C. § 102(e) as anticipated by Cercone is improper for at least this reason, and should be withdrawn.

Claims 4, 5, 9 and 10 were also rejected under 35 U.S.C. § 102(e) as anticipated by Cercone. These claims each depend directly from either independent claim 3 or 8, and include additional recitations thereto. Accordingly, Applicants respectfully submit that the rejection of claims 4, 5, 9 and 10 under 35 U.S.C. § 102(e) as anticipated by Cercone is improper for at least the reasons stated in connection with claims 3 and 8, and should be withdrawn.

Applicants respectfully submit that nothing in the current Amendment constitutes new matter. Amendments to claims 1, 3 and 8 are supported by at least paragraphs [0022], [0027] and [0032] of the Specification, and Figures 1 and 5. New claim 13 depends from claim 3, and is supported by at least paragraph [0064] of the Specification, and Figure 4c.

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Having traversed each and every rejection, Applicants respectfully request that the rejections of claims 1, 3-5 and 8-10 be withdrawn, and claims 1, 3-5, 8-10 and 13 be passed to issue.

Applicants believe that no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, authorization is hereby granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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